



Terry Tamminen
*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX: 916.341.5400 ♦ www.waterrights.ca.gov



Arnold Schwarzenegger
Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31499

DATE FILED: April 5, 2004

Notice is hereby given that Pacific Gas and Electric Company (PG&E) has filed an application for a water right permit to divert water from Grizzly Creek tributary to North Fork Feather River in Plumas County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions are needed in the permit to protect the environment, the public interest, and downstream water users.

This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of protests against the application. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Pacific Gas and Electric Company
c/o Joseph Ray, Senior Hydro Engineer
Mail Code N11C
P.O. Box 770000-0001
San Francisco, CA 94177

Please note: The SWRCB does not have jurisdiction to prepare an environmental document subject to the California Environmental Quality Act (CEQA), or make determinations regarding the conditions for water use under the subject application since the subject hydroelectric power project is subject to regulation by the Federal Energy Regulatory Commission (FERC).

Description of Project

PG&E operates the Bucks Creek Hydroelectric Project (Project) in Plumas County. The project is regulated by FERC License No. 619. PG&E currently diverts water from the Bucks Creek Watershed to the Grizzly Forebay on Grizzly Creek. At Grizzly Forebay the diversions from Bucks Creek combine with diversions from Grizzly Creek and the combined flow is diverted via a tunnel and penstock to produce electricity at Bucks Creek Powerhouse. PG&E has water right licenses for diversions from both Bucks Creek (and its tributaries) and from Grizzly Creek. PG&E's cumulative water rights for Grizzly Creek allow a diversion of 150 cubic feet per second (cfs) for hydropower generation.

In June 2003, Division staff conducted a pre-licensing inspection of PG&E's water right permit 20646 (Application 29797), which covers a portion of its diversion on Bucks Creek for the Project. Based on review of PG&E's records of operation conducted for the inspection, Division staff noted that PG&E's diversions from Grizzly Creek exceeded its licensed water rights.

In order to secure the necessary water rights for the Project, PG&E subsequently filed

California Environmental Protection Agency



Application 31499 for the direct diversion of 234 cfs of water from Grizzly Creek on a year-round basis. The maximum diversion during the year will be 26,000 acre-feet. The water is used at the Bucks Creek Powerhouse and return water is directed back into the North Fork Feather River.

This application will allow for the generation of 58,325 kilowatts of energy at the Bucks Creek Powerhouse.

Summary of Application

County: Plumas
Source: Grizzly Creek tributary to North Fork Feather River
Point of
Diversion: Located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T24N, R6E, MDB&M.
Amount: 234 cubic feet per second of direct diversion, not to exceed a total of 26,000 acre-feet per year.
Season: January 1 through December 31
Purpose: Hydroelectric Power
Place of Use: Located within the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 29, T24N, R6E, MDB&M

Environmental Information

The SWRCB does not have jurisdiction to prepare an environmental document subject to CEQA since the subject hydroelectric power project is subject to regulation by FERC.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information

describing the basis of the prior right, the date the use began, the quantity of water used, the

purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at www.waterrights.ca.gov/forms/ or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **60th** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by

mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "major" project (the proposed diversion is greater than 3 cubic feet per second by direct diversion or greater than 200 acre-feet per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the State Water Resources Control Board following an evidentiary hearing.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Kate Gaffney by phone at (916) 341-5360 or by electronic mail at kgaffney@waterrights.swrcb.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **July 23, 2004**

KMGaffney:kmg/itziar:6-22-04

U:\PERDRV\KGaffney\A31499APP-NOT.DOC